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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BORISSOV, IGOR N	
ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/031,405	AMONG ET AL.	
	Examiner	Art Unit	
	Igor N. Borissov	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,71-88,152-158,164 and 165* is/are pending in the application.

4a) Of the above claim(s) *8,9 and 164* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4,5,8,9,12,13,71-88,152-158 and 165* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 11/06/2008 is acknowledged and entered. Claims 8, 9, and 164 have been withdrawn. Claims 14-70, 89-151, 159-163, and 166 have been canceled. Claims 1, 2, 4-7, 10, 11, 13, 71, 74, 88, 152-155, and 158 have been amended. Claims 1-13, 71-88, 152-158, 164 and 165 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said at least two destinations" in line 4 and "suboption" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 5, 8, 12, 13, 73, 88, and 164 recites the limitation "said ... option". There is insufficient antecedent basis for this limitation in the claim.

Claim 9, 13, 79, 80, 81, and 88 recite the limitation "said ... suboption". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation: "said providing the customer with the transmitted generated confirmation". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 employs the term "option" in the limitation: "...wherein said displaying comprises displaying said plurality of components comprising at least one of lodging accommodations, surface transportation *options*, air transportation accommodations, and reservation *options* received in said customer computer", which is confusing, because claim 1 employs the term "component". Same reasoning applied to claim 83, 85, and 87.

Claim 12 employs the term "parameter" which is confusing, because claim 1 employs the term "attribute".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 71-76, 79, 82-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa (US 5,732,398) in view of Sobalvarro et al. (US 2006/0287897 A1).

Tagawa teaches a method and system for selecting a final option comprising at least two destinations, comprising:

Claim 71,

displaying a plurality of components at a client computer, at least some of said plurality of components having a parameter (C. 16, L. 39-49);

selecting by a user at least one of the displayed plurality of components (C. 16, L. 50 - C. 17, L. 4);

manipulating by the user information for at least one parameter of the at least one selected component (C. 16, L. 50 - C. 17, L. 4);

receiving by the server from the client computer a first input signal having the selected components and the manipulated at least one parameter (C. 16, L. 50 - C. 17, L. 4);

calculating by the server a plurality of options, each of said plurality of options having a suboption comprising a value corresponding to one of said plurality of components, and said value is generated in accordance with said user-determined value of said parameter (C. 17, L. 5-8; C. 13, L. 39-40);

receiving by the client computer from the server the calculated plurality of options (C. 17, L. 5-24);

selecting by the user various suboptions from at least two of the plurality of options (C. 17, L. 25-27);

receiving by the server from the client computer the selected various suboptions (C. 17, L. 25-27);

creating by the server the customized travel package comprising a plurality of destinations corresponding to said components, in an itinerary having a price (C. 17, L. 27-28);

receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the user (C. 17, L. 27-28).

While Tagawa teaches charging the customer for the created travel package, thereby indicating providing a price for the package, Tagawa does not explicitly teach that said price is a single price.

Sobalvarro et al. teaches a method and system for selling travel packages, wherein travel packages are presented to customers with a single package price [0011].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include that said price is a single price, as disclosed in Sobalvarro et al. because it would advantageously allow to provide travel arrangements in an efficient way, as specifically stated in Sobalvarro et al. [0011]. Furthermore, in this case, each of the elements of the cited references combined by the Examiner performs the same function when combined as it does in the prior art. Thus,

such a combination would have yielded predictable results. *See Sakraida,* 425 U.S. at 282, 189 USPQ at 453. Therefore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision Ex arte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Claims 72-76, 79, and 82-88, same reasoning as applied to claim 71.

Claims 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Sobalvarro et al. and further in view of Kwoh (US 2001/0034625 A1).

Claims 77 and 78.

Tagawa and Sobalvarro et al. teaches all the limitations of claim 7, except generating a discount corresponding to discount criteria of said customer.

Kwoh teaches an automated method and system for identifying travel costs, wherein airline flight discount criteria are considered in calculating travel costs [0015].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa and Sobalvarro et al. to include generating a discount corresponding to discount criteria of said customer, as suggested in Kwoh, because it would advantageously allow to generate the least expensive travel package for the customer.

Claim 158 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa.

Tagawa teaches said method for selecting a final option comprising at least two destinations, comprising:

Claim 158,

displaying by a computer a plurality of components, said plurality of components comprising air travel, hotel accommodations, and car rental (C. 16, L. 39-49; C. 17, L. 22);

receiving by the computer a first client selection comprising at least two of the plurality of components and information input by the user for every desired component of the travel group (C. 16, L. 50 - C. 17, L. 4);

calculating by the computer travel packages, each of the travel packages comprising a value for each of the selected components based on the information input by the user (C. 17, L. 5-8; C. 13, L. 39-40);

displaying by the computer the calculated travel packages (C. 17, L. 5-24);

receiving by the computer a second client selection of components selected from different displayed travel packages (C. 17, L. 25-27);

creating by the computer a customized travel package based on the second client selection (C. 17, L. 27-28);

displaying by the computer the created customized travel package (C. 17, L. 27-30).

Tagawa does not explicitly teach that the customized travel package is different from each of the displayed travel packages.

However, Tagawa does teach creating the customized travel package based on inputted by the customer travel information, thereby suggesting said feature.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tagawa to include that the customized travel package is different from each of the displayed travel packages, as suggested in Tagawa, because it would advantageously allow to accommodate various vacation schedules of the customers in various age group categories, as specifically stated in Tagawa (C. 2, L. 53-67; C. 11, L. 44-46).

Response to Arguments

Claim Rejections under 35 USC § 103 in respect to claims 1-7 and 10-13 have been withdrawn. As per claims 71-88, 152-158, and 165, the amendment to the claims did not overcome the combined teaching of the prior art of record. Therefore, the rejections under 35 USC § 103 in respect to claims 71-88, 152-158, and 165 stand.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

01/21/2009